

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RODNEY M. CONLEY,

Petitioner,

v.

**CHAE HARRIS, WARDEN,
LEBANON CORRECTIONAL INST.,**

Respondent.

CASE NO. 2:19-CV-3500

JUDGE JAMES L. GRAHAM

Magistrate Judge Chelsey M. Vascura

ORDER

On September 20, 2019, the Magistrate Judge issued a Report and Recommendation pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that the petition for a writ of habeas corpus be transferred to the United States Court of Appeals for the Sixth Circuit as successive. (ECF No. 3.) Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation (ECF No. 3) is **ADOPTED** and **AFFIRMED**. This action hereby is **TRANSFERRED** to the Sixth Circuit as successive.

Petitioner has waived the right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

Date: October 16, 2019

s/James L. Graham
JAMES L. GRAHAM
United States District Judge